

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CASE NO. 1:12-cr-00174
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
ADAM S. URBAN,)	
)	
Defendant.)	<u>ORDER</u>

Before the Court is Defendant Adam S. Urban's Motion to Continue, to Declare Matter a Complex Case & Waiver of Speedy Trial Rights. [ECF No. 20](#). In his motion, Defendant seeks an order continuing the trial and pre-trial dates and designating the case complex.

In support, Defendant states that "discovery at issue is highly technical in nature" and "[t]he complex and highly technical nature of the evidence and the need for this defendant to have meaningful opportunity to prepare his defense are features making the need for more time manifest." [ECF No. 20](#).

In determining whether granting Defendant's request serves the ends of justice, the Court must consider certain factors outlined in [18 U.S.C. § 3161\(h\)\(7\)\(B\)](#). Among others, the Court considers the following factors:

- (i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(1:12-cr-00174)

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B).

Failing to grant Defendant's Motion for a Continuance may result in a miscarriage of justice. Due to the nature of the prosecution and the existence of novel questions of fact or law, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established.

For the reasons given, the Court finds that the ends of justice served by granting Adam S. Urban's Motion to Continue, to Declare Matter a Complex Case & Waiver of Speedy Trial Rights ([ECF No. 20](#)) in the instant matter outweighs the best interests of the public and the defendant in proceeding more speedily. The Court also grants the request to designate the case as complex and extend the discovery and pretrial motion deadline and modifies the trial order as follows:

(1:12-cr-00174)

Trial of this matter shall begin on **September 17, 2012 at 9:00 a.m.**, in Courtroom 351, Federal Building - United States Courthouse, 125 Market Street, Youngstown, Ohio. Counsel should appear at least 30 minutes before trial time. **LEAD COUNSEL AND DEFENDANTS MUST BE PRESENT AT ALL PROCEEDINGS UNLESS EXCUSED BY THE COURT UPON WRITTEN MOTION.**

Pursuant to [Local Criminal Rule 17.1.1](#) counsel shall comply with each of the following requirements:

- a. Discovery shall be completed on or before **August 14, 2012.**

On the discovery cutoff date, counsel shall notify the Court in writing of any failure to provide discovery material. Requests for discovery shall be docketed as "Notices." Only when Court intervention is required shall a request for discovery be docketed as a "Motion."

- b. Pretrial motions shall be filed on or before **August 21, 2012.**

Each motion filed shall explicitly state the foundation for it, pursuant to Local Criminal Rule 12.1. Responses to pretrial motions shall be filed by **August 28, 2012.**

- c. The Court shall conduct a final pretrial conference in Courtroom 351, Federal Building - United States Courthouse, 125 Market Street, Youngstown, Ohio on **August 30, 2012** at **1:30 p.m.** Other pretrial hearings will be scheduled as needed. Should Defendant choose to enter a plea of guilty, a Notice of Intent must be filed

(1:12-cr-00174)

prior to the final pretrial conference and a copy of the plea
agreement, if any, provided to the Court *via* email to
Lisa_Murphy@ohnd.uscourts.gov.

IT IS SO ORDERED.

July 5, 2012
Date

s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge